

### **Amendments to the Claims**

This listing of claims replaces all prior versions, and listings, of claims in the application:

#### **Listing of claims**

Claim 1: (CURRENTLY AMENDED) A method of managing a network comprising the steps of:

polling resources of the network to gather real-time status information about the network;

evaluating performance of the network by identifying network-wide patterns in the gathered real-time status information; and

based on the result of said step of evaluating, ~~gathered real-time status information,~~  
providing a prediction of ~~predicting whether~~ a future network-wide performance problem is  
~~to be encountered within the network.~~

Claim 2: (CURRENTLY AMENDED) The method of claim 1 further comprising the step of:

determining an ~~appropriate~~ action for preventing ~~[[said]]~~ the future network-wide performance problem from occurring.

Claim 3: (CURRENTLY AMENDED) The method of claim 2 wherein said determining step includes determining the said ~~appropriate~~ action from at least one previously defined rule.

Claim 4: (CURRENTLY AMENDED) The method of claim 2 further comprising the step of:

initiating the said ~~appropriate~~ action before ~~[[said]]~~ the future network-wide performance problem occurring in an attempt to prevent ~~[[said]]~~ the future network-wide performance problem.

Claim 5: (CURRENTLY AMENDED) The method of claim 1 wherein said step of evaluating performance of the network ~~of the gathered status information~~ further includes:

correlating the ~~gathered~~ real-time status information with at least one previously defined rule.

Claim 6: (CURRENTLY AMENDED) The method of claim 5 wherein the at least one previously-defined rule defines a known pattern for the gathered real-time status information that foreshadows the occurrence of ~~[[a]]~~ the future network-wide performance problem.

Claim 7: (CURRENTLY AMENDED) The method of claim 1 wherein ~~[[said]]~~ the future network-wide performance problem is caused by anyone or more of the problems selected from:

operability problem of the resources of the network ~~one or more network elements~~, operability problem of the network, failure of the resources of the network ~~one or more network elements~~, failure of the network, integrity problem of the resources of the network ~~one or more network elements~~, integrity problem of the network, efficiency problem of the resources of the network ~~one or more network elements~~, efficiency problem of the network, decreased processing speed of the resources of the network ~~one or more network elements~~, decreased processing speed of the network, usage capacity problem of the resources of the network ~~one or more network elements~~, and usage capacity problem of the network.

Claim 8: (CURRENTLY AMENDED) The method of claim 1 wherein said step of polling resources ~~gathering step~~ includes gathering the real-time status information for anyone or more of:

network status, disk status, database status, memory status, CPU status, and operating system status.

Claim 9: (CURRENTLY AMENDED) The method of claim 1 wherein said step of polling resources ~~gathering step~~ includes gathering the real-time status information by a plurality of distributed gateways that are communicatively coupled to a central management system.

Claim 10: (CURRENTLY AMENDED) The method of claim 3 wherein ~~said providing the~~ at least one previously defined rule includes ~~a user defining said~~ at least one user defined rule.

Claim 11: (CURRENTLY AMENDED) The method of claim 3 wherein ~~[[said]]~~ the at least one previously defined rule is implemented as software code executing on a management system.

Claim 12: (CURRENTLY AMENDED) The method of claim 3 further comprising: ~~[[said]]~~  
the at least one previously defined rule correlating disparate network elements.

Claim 13: (CURRENTLY AMENDED) The method of claim 3 further comprising:  
~~[[said]]~~ the at least one previously defined rule correlating disparate characteristics of  
the resources of the network ~~one or more network elements~~.

Claim 14: (PREVIOUSLY PRESENTED) The method of claim 13 wherein said disparate  
characteristics include those selected from:

CPU run queue capacity, CPU run queue blocks, CPU run queue waits, context  
switching, memory paging, swap allocation, disk writes, disk blocking, disk waiting, disk  
utilization, network inbound packets, network outbound packets, network errors, and network  
collisions.

Claim 15: (CURRENTLY AMENDED) A system for managing a network, said system  
comprising:

at least one polling gateway that is operable to poll one or more network elements to  
gather real-time status information for said one or more network elements;

at least one processor-based management server communicatively coupled to the at  
least one polling gateway to receive the gathered real-time status information from said at  
least one polling gateway; and

the at least one processor-based management server predicting the occurrence of a  
network-wide performance problem within the network based on the gathered real-time  
status information.

Claim 16: (ORIGINAL) The system of claim 15 wherein said one or more network elements  
include a plurality of network elements distributed in the network.

Claim 17: (ORIGINAL) The system of claim 15 wherein said one or more network elements  
include a plurality of disparate network elements.

Claim 18: (ORIGINAL) The system of claim 15 wherein said at least one polling gateway includes a plurality of distributed polling gateways.

Claim 19: (ORIGINAL) The system of claim 15 wherein said plurality of distributed polling gateways include polling gateways that are each operable to poll particular ones of disparate network elements.

Claim 20: (CURRENTLY AMENDED) The system of claim 19 wherein said disparate network elements include network elements that communicate in different network protocols.

Claim 21: (CURRENTLY AMENDED) The system of claim 20 wherein said disparate network elements include network elements selected from: SNMP network elements, CMIP network elements, and network elements using TCP/IP protocol.

Claim 22: (PREVIOUSLY PRESENTED) The system of claim 15 wherein at least one rule defines an appropriate action for said at least one processor-based management server to respond to a defined condition being detected.

Claim 23: (CURRENTLY AMENDED) The system of claim 22 wherein said appropriate action is an action for attempting to prevent the network-wide performance problem predicted by the detection of said defined condition from occurring.

Claim 24: (CURRENTLY AMENDED) The system of claim 22 wherein upon detection of said defined condition, said at least one processor-based management server initiates said appropriate action before said network-wide performance problem occurring.

Claim 25: (CURRENTLY AMENDED) The system of claim 15 wherein at least one rule defines a known pattern for status information that foreshadows the occurrence of [[a]] said network-wide performance problem.

Claim 26: (CURRENTLY AMENDED) The system of claim 15 wherein at least one rule defines statistical analysis of said status information that foreshadows the occurrence of [[a]] said network-wide performance problem.

Claim 27: (CURRENTLY AMENDED) The system of claim 15 wherein at least one rule defines a known correlation of status information that foreshadows the occurrence of [[a]] said network-wide performance problem.

Claim 28: (CURRENTLY AMENDED) The system of claim 15 wherein said network-wide performance problem is caused by anyone or more of the problems selected from:

operability problem of said one or more network elements, operability problem of the network, failure of said one or more network elements, failure of the network, integrity problem of said one or more network elements, integrity problem of the network, efficiency problem of said one or more network elements, efficiency problem of the network, decreased processing speed of said one or more network elements, decreased processing speed of the network, usage capacity problem of said one or more network elements, and usage capacity problem of the network.

Claim 29: (PREVIOUSLY PRESENTED) The system of claim 15 wherein said status information includes one or more from:

network status, disk status, database status, memory status, CPU status, and operating system status.

Claim 30: (CURRENTLY AMENDED) A management system for managing one or more layers of a network, wherein said managing includes predicting network-wide performance problems that are to occur within one or more layers of the network and taking responsive actions in an attempt to prevent or timely respond to the predicted said network-wide performance problems, said management system comprising:

at least one processor-based management server communicatively coupled to at least one polling gateway that is operable to poll at least one network element to gather real-time status information for said at least one network element;

the at least one processor-based management server including software code executing thereon, wherein said software code learns a condition for predicting [[a]] said network-wide performance problem within one or more layers of the network from said gathered real-time status information to enable the processor-based management server to predict the occurrence of [[a]] said network-wide performance problem within the network.

Claim 31: (CURRENTLY AMENDED) The management system of claim 30 wherein said at least one ~~one or more~~ network element ~~elements~~ include a plurality of said at least one network element ~~elements~~ distributed in the network.

Claim 32: (CURRENTLY AMENDED) The management system of claim 30 wherein said at least one ~~one or more~~ network element ~~elements~~ include a plurality of disparate said at least one network element ~~elements~~.

Claim 33: (ORIGINAL) The management system of claim 30 wherein said at least one polling gateway includes a plurality of distributed polling gateways.

Claim 34: (CURRENTLY AMENDED) The management system of claim 30 wherein said plurality of distributed polling gateways include polling gateways that are each operable to poll particular ones of disparate said at least one network element ~~elements~~.

Claim 35: (CURRENTLY AMENDED) The management system of claim 34 wherein [[said]] the disparate said at least one network element ~~elements~~ include said at least one network element ~~elements~~ that communicate in different network protocols.

Claim 36: (CURRENTLY AMENDED) The management system of claim 35 wherein [[said]] the disparate said at least one network element ~~elements~~ include said at least one network element ~~elements~~ selected from: SNMP network elements, CMIP network elements, and network elements using TPC/IP protocol.

Claim 37: (CURRENTLY AMENDED) The management system of claim 30 wherein at least one rule defines an ~~appropriate~~ action for said at least one processor-based management server to take in response to said ~~defined~~ condition being detected.

Claim 38: (CURRENTLY AMENDED) The management system of claim 37 wherein said ~~appropriate~~ action is an action for attempting to prevent the network-wide performance problem predicted by the detection of said ~~defined~~ condition from occurring.

Claim 39: (CURRENTLY AMENDED) The management system of claim 37 wherein upon detection of said ~~defined~~ condition said at least one processor-based management server initiates said ~~appropriate~~ action before said network-wide performance problem occurs ~~occurring~~.

Claim 40: (CURRENTLY AMENDED) The management system of claim 30 wherein said ~~learned~~ condition includes a pattern for status information that foreshadows the occurrence of ~~[[a]]~~ said network-wide performance problem.

Claim 41: (CURRENTLY AMENDED) The management system of claim 30 wherein said ~~learned~~ condition includes statistical analysis of said status information that foreshadows the occurrence of ~~[[a]]~~ said network-wide performance problem.

Claim 42: (CURRENTLY AMENDED) The management system of claim 30 wherein said ~~learned~~ condition includes correlation of status information that foreshadows the occurrence of ~~[[a]]~~ said network-wide performance problem.

Claim 43: (CURRENTLY AMENDED) The management system of claim 30 wherein said network-wide performance problem is caused by anyone or more of the problems selected from:

operability problem of said at least one ~~or more~~ network element ~~elements~~,  
operability problem of the network, failure of said at least one ~~or more~~ network element ~~elements~~, failure of the network, integrity problem of said at least one ~~or more~~ network element ~~elements~~, integrity problem of the network, efficiency problem of said at least one ~~or~~

~~more~~ network element elements, efficiency problem of the network, decreased processing speed of said at least one ~~or more~~ network element elements, decreased processing speed of the network, usage capacity problem of said at least one ~~or more~~ network element elements, and usage capacity problem of the network.

Claim 44: (PREVIOUSLY PRESENTED) The management system of claim 30 wherein said status information includes one or more from:

network status, disk status, database status, memory status, CPU status, and operating system status.

Claim 45: (ORIGINAL) The management system of claim 30 wherein said at least one network element is represented as an object within object-oriented software executing on the processor-based server, said object having one or more attributes for which said status information may be gathered.

Claim 46: (CURRENTLY AMENDED) The management system of claim 45 wherein said ~~learned~~ condition includes correlation of one or more attributes of one or more objects to define the prediction of [[a]] said network-wide performance problem.

Claim 47: (ORIGINAL) The management system of claim 30 wherein said management system includes a business management layer.

Claim 48: (CURRENTLY AMENDED) The management system of claim 47 wherein said network-wide performance problem includes a business performance problem.

Claim 49: (ORIGINAL) The management system of claim 48 wherein said at least one network element includes an electronic commerce system for processing commercial transactions with customers via the Internet, and wherein said business performance problem includes a problem resulting in inability of said electronic commerce system processing said commercial transactions.

Claim 50: (ORIGINAL) The management system of claim 30 wherein said management system includes a service management layer.

Claim 51: (CURRENTLY AMENDED) The management system of claim 50 wherein said network-wide performance problem includes a service performance problem.

Claim 52: (CURRENTLY AMENDED) The management system of claim 51 wherein said service performance problem includes problem with the Quality provided to subscribers or clients of the ~~managed~~ network.

Claim 53: (ORIGINAL) The management system of claim 30 wherein said management system includes a network management layer.

Claim 54: (CANCELED)

Claim 55: (ORIGINAL) The management system of claim 30 wherein said management system includes an element management layer.

Claim 56: (CURRENTLY AMENDED) The management system of claim 55 wherein said network-wide performance problem includes a network element performance problem.

Claim 57: (ORIGINAL) The management system of claim 30 wherein said management system includes a plurality of at least the following layers: business management layer, service management layer, network management layer, and element management layer, and wherein a plurality of said layers are correlated within said at least one rule.

Claim 58: (CURRENTLY AMENDED) The management system of claim 30 wherein said management system includes a plurality of at least the following layers: business management layer, service management layer, network management layer, and element management layer, and wherein said network-wide performance problem is a problem within any of said plurality of layers.